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Please make the following amendments to the paragraph beginning on page 16, line 1 of the specification:

In yet another embodiment of the present invention, a “dynamic adjustment embodiment,” the size or depth of jitter buffer 324 in each of MS 103 and 104 may be dynamically adjusted based on a percentage of all existing traffic, or bearer, channels available at the MS’s respective servicing base site 122, 126 that are engaged in active communications, or further engaged in active communications and using retransmissions. FIG. 6 is a logic flow diagram 600 of the steps executed by system 100, preferably infrastructure 130, in adjusting a size or depth of jitter buffer 324 in accordance with [an] the dynamic adjustment embodiment of the present invention. In the dynamic adjustment embodiment, a depth, or size, of jitter buffer 324 may be predetermined or may be determined as described above at the initiation of a dispatch call.

Please make the following amendments to each of claims 7, 9, and 14:

7. (Once Amended) The method of claim 5, further comprising a step of determining to reduce [or eliminate the] a use of retransmissions of erroneously received frames when the determined radio frequency (RF) load metric is less than the RF load threshold.

9. (Once Amended) The method of claim 8, wherein the receiving communication device comprises a jitter buffer in communication with a [jitter] play-out buffer, and wherein the method further comprises steps of:

receiving, by the receiving communication device, a first set of data transmitted by the transmitting communication device;

storing, by the receiving communication device, the first set of data in [a] the jitter buffer;

determining a quantity of data stored in the [jitter] play-out buffer; and

when the determined quantity of data stored in the [jitter] play-out buffer is less than a predetermined quantity, conveying at least a portion of the first set of data stored in the jitter buffer to the [jitter] play-out buffer prior to determining that the first set of data is correct.

14. (Once Amended) A method for constraining a size of a jitter buffer comprising steps of:

erroneously receiving a frame and acknowledging the erroneously received frame;

counting down a holdoff time period, wherein the holdoff time period is a period of time that expires while [the] a listener [MS] mobile station awaits a retransmission of the erroneously received frame;

when the holdoff time period expires without the receiving a retransmission of the acknowledged frame, retransmitting the acknowledgment; and

when the erroneously received frame is a retransmitted frame or a non-audio information frame, reducing a length of the holdoff time period.